

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WAYNE CLARK,
Plaintiff,
v.

HIDDEN VALLEY LAKE ASSOCIATION,
Defendant.

Case No. [16-cv-02009-SI](#)

ORDER RE: SPEARS DEPOSITION

On October 27, 2017, the Court held a hearing on defendant's Anti-SLAPP motion and motion for summary judgment. In its opposition papers, plaintiff noted that he has been unable to depose Cindy Spears because he does not know her whereabouts.¹ Defendant, however, attached a declaration from Spears in support of its motion for summary judgment, filed on September 15, 2017. *See* Dkt. No. 72-2. At the hearing, the parties informed the Court that Spears still has not been deposed. Defendant represented that it was able to obtain her declaration because defendant has her telephone number but that it was reluctant to give this information to plaintiff due to confidentiality concerns.

Plaintiff sues for defamation based on statements that Spears allegedly made when she was General Manager of Hidden Valley Lake Association, where plaintiff was once employed as Director of Golf. This entire case centers around whether or not Spears did, said, and knew the things that plaintiff alleges. Her testimony is essential. In light of this, the Court **ORDERS** that defendant provide plaintiff's counsel with Spears's telephone number and any other information

¹ On May 24, 2017, plaintiff's counsel served a special interrogatory asking for "the complete residential or work address of Cindy Spears in sufficient detail to permit the service or delivery of a subpoena to her in this action." Theusen Decl. Ex. 1. Defendant responded, "Unknown."

1 necessary to allow plaintiff to take Spears's deposition. Defendant shall cooperate in arranging
2 the deposition of Spears. In light of the confidentiality concerns, the Court **ORDERS** that
3 Spears's telephone number be disclosed to plaintiff's counsel only and not directly to plaintiff.
4 Any deposition testimony that Spears provides may be used only for prosecuting, defending, or
5 attempting to settle this litigation. These confidentiality obligations shall remain in effect even
6 after final disposition of this litigation unless Spears agrees otherwise in writing or a court order
7 otherwise directs.

8 **The Court sets a Further Case Management Conference for November 17, 2017.** The
9 parties shall file a joint case management conference statement no later than November 10, 2017.

10 An order ruling on defendant's pending motions will follow separately.

11
12 **IT IS SO ORDERED.**

13 Dated: October 27, 2017



SUSAN ILLSTON
United States District Judge